

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DOUGLAS JACKSON,

Petitioner,

Civil No. 2:15-CV-11622

UNITED STATES DISTRICT JUDGE

v.

GERSHWIN A. DRAIN

LES PARISH,

Respondent,

**OPINION AND ORDER GRANTING THE MOTION TO AMEND THE  
PETITION FOR WRIT OF HABEAS CORPUS (Doc. 34) AND DIRECTING  
PETITIONER TO PROVIDE TWO COPIES OF THE AMENDED  
PETITION FOR SERVICE UPON RESPONDENT AND THE MICHIGAN  
ATTORNEY GENERAL**

On June 15, 2018, this Court reopened the case to the Court's active docket and granted petitioner a 120-day extension of time to file an amended habeas petition, if he chose to do so. The Court also set a deadline for the respondent to file an answer. Respondent was given 180 days from the later of (1) the date on which the amended petition is filed or (2) the date on which the period for filing an amended petition expired, to file an answer. (Doc. 31).

Before the Court is petitioner's amended habeas petition (Doc. 34) which is construed also as a motion to amend the petition.

The Court will permit the petitioner to amend his habeas petition subject to the one condition mentioned below. Petitioner's proposed amended habeas petition

should be granted because it advances new claims that may have arguable merit. *See e.g. Braden v. United States*, 817 F.3d 926, 930 (6th Cir. 2016).

The Court notes that petitioner's amended habeas petition is deficient because he failed to provide sufficient copies of the petition for service upon the Michigan Attorney General and the Warden. Petitioner's failure to submit these copies of the petition to the Clerk of the Court rendered his amended habeas petition deficiently. *See e.g. Moore v. Hawley*, 7 F. Supp. 2d 901, 903 (E.D. Mich. 1998). The Court directs petitioner to provide **two (2) additional copies** of the amended petition for service upon respondent and the Michigan Attorney General within **thirty (30) days** of this order. If the petitioner fails to provide sufficient service copies of the amended petition within the thirty day period, the respondent will be required to file an answer to only to the claims and the allegations contained in the original habeas petition. Respondent shall have **180 (one hundred and eighty) days** from the expiration of this thirty day period to file the answer.

Dated: November 19, 2018

s/Gershwin A. Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 19, 2018, by electronic and/or ordinary mail.

s/Teresa McGovern  
Case Manager